



CHESAPEAKE BAY FOUNDATION
Saving a National Treasure

July 20, 2020

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, D.C. 20460

Regional Freedom of Information Officer
U.S. EPA, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Regional Freedom of Information Officer
U.S. EPA, Region 3
1650 Arch Street (3RC70)
Philadelphia, PA 19103

**Re: Chesapeake Bay Total Maximum Daily Load Freedom of Information Act Request
(Submitted via [foiaonline.gov](https://www.foiaonline.gov))**

Dear EPA Headquarters, Region 2, and Region 3 (including the Chesapeake Bay Program Office) Freedom of Information Officers:

This is a request under the Freedom of Information Act (FOIA) for copies of records pertaining to EPA's administration and oversight of the Chesapeake Bay Total Maximum Daily Load (TMDL). This request includes all records dated or otherwise made since September 1, 2008 available pursuant to FOIA, including but not limited to reports, memorandums, letters, e-mails, text messages, correspondence, calendar invitations, and meeting minutes, pertaining to the following:

1. Records within your possession or control concerning the *2014 Chesapeake Bay Watershed Agreement* Water Quality 2025 Watershed Implementation Plan (WIP) Outcome ("By 2025, have all practices and controls installed to achieve the Bay's dissolved oxygen, water clarity/submerged aquatic vegetation and chlorophyll *a* standards as articulated in the Chesapeake Bay TMDL document.") which include any of the following terms: "accountable", "accountability", "aspiration", "aspirational", "aspire", "assurance", "backstop", "consequence", "deadline", "discretionary", "enforce", "enforcement", "failure", "goal", "mandate", "mandatory", or "meet".
2. Records pertaining to, discussing, or referencing your employees' or contractors' analysis or review of Pennsylvania's or New York's Phase III Watershed Implementation Plans.
3. Records pertaining to, discussing, or referencing Pennsylvania's or New York's Phase III Watershed Implementation Plans, that were prepared or drafted by your employees or

contractors for the purpose of preparing for meetings or to communicate with the Chesapeake Bay Program's Water Quality Goal Implementation Team, the Principals' Staff Committee, or Executive Council.

4. Records sent and received between your employees or contractors and Pennsylvania's Department of Environmental Protection pertaining to, discussing, or referencing Pennsylvania's Phase III Watershed Implementation Plan.
5. Records sent and received between your employees or contractors and New York's Department of Environmental Conservation pertaining to, discussing, or referencing New York's Phase III Watershed Implementation Plan.

I request a waiver of all fees for this request. The request is being made on behalf of the public interest, will contribute to the public's understanding of the operations or activities of the government, and is not for a commercial use.

Thank you in advance for your prompt consideration of this request. Please do not hesitate to contact me directly at psmail@cbf.org or (443) 482-2153 if you have any questions.

Sincerely,

/s/ Paul W. Smail

Paul W. Smail